

**TOWN COUNCIL
REGULAR MEETING
OCTOBER 2, 1996**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:04 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis (left 8:05 p.m.) Vice-Mayor Cox and Councilmembers Bush, Kiar and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Ed Weisl, 922 SW 118 Terrace, stated that the residents were tired of items constantly being tabled. He insisted that the hearing of an item be finalized on November 6th or have it withdrawn.

Rich Domingus, 11930 SW 9 Manor - President of the Association at the Village of Lake Pine, agreed with Mr. Weisel and requested that the decision be made soon.

Debra Zelman, 6301 Huron Terrace - Vice President of the Estates of Stirling Lakes Homeowners Association, discussed a limited power of attorney that was submitted to Mr. Webber. She said there was a concern in her development that the streets were private roads; however, traffic control needed to be enforced. Ms. Zelman stated that one side of 66th Street owned by the Town needed to be maintained.

Bill Busker, 3695 East Citrus Place, discussed combining the Police and Fire Pension Boards and disputed the numbers previously provided by Vice-Mayor Cox.

Reverend Smith, Church of God, discussed the EMS issue.

Mayor Venis introduced Girl Scout Troop 125. Barbara Delaberto, 4807 SW 118 Terrace - Cooper City, discussed the Troop and appreciated Council's allowing them to attend the meeting.

Jay Stahl, 5801 Surrey Circle West, indicated that prior to the school year, there were "no standing" signs on the berm on Dykes Road to keep the school overflow from parking on the landscaping. He advised that recently there had been an open house and cars were parked on the swale. Mr. Stahl stated that he had called the Police Department but was referred to the Broward Sheriff's Office and questioned why. Mayor Venis responded that all calls were routed through the Sheriff's Office.

Arthur Joseph, 13700 SW 18 Court, stated that Pembroke Pines had banned blasting and thought it was time the Town revisited this issue. He discussed the police/fire and EMS facility bond issue and thought there was misleading information being given. Mr. Joseph spoke on the use of forfeiture funds and discussed the Charter section regarding bonds.

Mr. Joseph stated that the Town had indicated to the residents that this was the fifth year in a row that there had not been an increase in taxes. He disagreed because the Town would also have to roll back the millage rate. Mr. Joseph added that the utility tax had been increased 15% over the last five years.

Al Tyler, 8090 SW 19 Court, thanked the 29 people who voted for him in District 5 for the Davie Democratic Executive Committee. He stated that nothing had been registered with the Town regarding the Davie Crimewatchers, Inc. and this violated Florida State Statutes 106.13 and 106.14. Mr. Tyler indicated that "we have filed" and he would be out there watching.

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Ms. Delaberto stated that there was no reason why the overcrowded schools could not have more than one open house and suggested that Council speak with the schools.

4. PRESENTATIONS

4.1 Davie/Cooper City Chamber of Commerce

Chuck Bonfiglio, Chairman of the Board, advised of upcoming events for the month of November.

4.2 Update on Purchasing Procedures Revisions (policy revised February 2, 1996)

Herb Hyman, Procurement Manager, reported on the success of the purchasing procedure changes.

4.3 Update on Davie Road and 43rd Street

Robert Rawls, Assistant Town Administrator, indicated that staff was proposing a primary access location to the Huck Liles property and after several discussions with the Department of Transportation (DOT) staff, DOT had provided a reserved concurrence with the continuance of the design.

Vice-Mayor Cox questioned the bus bay issue. Mr. Rawls replied that DOT was actively securing the right-of-way and meetings had been held with the two property owners. He added that DOT was trying to secure the third parcel.

5. OCCUPATIONAL LICENSES

Home Occupational Licenses

5.1 Davie Landscape Center, Inc., 2601 SW 110 Way

Mark Flynt, the applicant, was present. He confirmed that the request was for mail and phone use only. Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

5.2 S & S Auto Tech Center, 10801 SW 26 Court

William Allen Shaw, the applicant, was present. He advised that the license was for mailing use only.

Councilmember Santini made a motion, seconded by Councilmember Bush, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

5.3 Trends America, Inc., 14420 SW 30 Court

John Beadel, the applicant, was present. He confirmed that the request was for mail and phone use only.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Seasonal Sales - Sale of Pumpkins - Waiver of Fee

**5.4 Davie Merchants & Industrial Assn., Inc., 4420 SW 64 Avenue
(location: 4850 South State Road 7; October 18, 1996 - October 31, 1996)**

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Grant Marant, representing the applicant, was present.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

6. COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

NEW HOUSING WORKSHOP. Councilmember Bush announced that the Community Redevelopment Agency and the Housing Authority would be conducting a workshop on October 12th to discuss purchasing new housing in the Eastside Neighborhood.

TRAFFIC SIGNAL. Councilmember Bush stated that the signal on Davie Road was continuous on weekends and at night and he had asked Mr. Rawls to contact Broward County on this issue. Mr. Rawls advised that the County agreed that this location did not have activity on weekends and evening hours and the best operation would be a flashing mode. He indicated that the flashing mode should be in operation shortly.

VICE-MAYOR COX

ENCLOSED DUMPSTERS. Vice-Mayor Cox stated that businesses who utilized dumpsters had received a letter asking that the dumpster be enclosed during the next year. She clarified that the Town was exploring different options and would be contacting the business owners on this matter.

DEDICATION. Vice-Mayor Cox stated that most of Council attended the dedication of the portables at Silver Ridge Elementary School and it was gratifying to her to participate in this dedication.

COUNCILMEMBER SANTINI

GIRL SCOUTS. Councilmember Santini welcomed the Girl Scouts who attended tonight's meeting.

DEDICATION. Councilmember Santini stated that she attended the dedication at Silver Ridge Elementary and stated that the Town had been called one of the first trendsetters of the 21st century by Broward County School Superintended Petruzielo.

OCTOBER 16TH COUNCIL MEETING. Councilmember Santini stated that she would not be attending the next Council meeting as she would on her honeymoon.

COUNCILMEMBER KIAR

CONGRATULATIONS. Councilmember Kiar congratulated Councilmember Santini on her upcoming marriage.

PORTABLES AT SILVER RIDGE. Councilmember Kiar commended Vice-Mayor Cox on her work on the portables and provided a history of the project. He stated that for future developments, the developer needed to provide something that would offset the increase in additional children in the schools and the additional costs.

APPROVED HOUSE BILL. Councilmember Kiar stated that insurance companies currently required new mothers to leave the hospital after a one day stay. He indicated that Representative Debbie Wasserman-Schultz had introduced a bill, which passed, that it was the doctor that made the determination as to how long the new mother stayed in the hospital.

SITE PLAN COMMITTEE RESIGNATION. Councilmember Kiar advised that Wayne Arnold had resigned from the Site Plan Committee and thanked Mr. Arnold for his efforts. As this was his exclusive appointment, he appointed Edna Moore.

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MAYOR VENIS

BLASTING. Mayor Venis stated that he attended a meeting on October 1st regarding blasting and the residents were concerned with blasting for a seven acre lake. He asked Mr. Flatley to schedule a meeting with Pembroke Pines' Mayor Fekete. Mayor Venis indicated that there were new methods in lieu of blasting and he recommended that this information be available at the meeting.

DRUG FREE WORKPLACE. Mayor Venis stated that the Town had instituted a Drug Free Workplace Policy which Mr. Flatley explained. Mr. Flatley advised that he had asked the employees to voluntarily sign up for random testing. Mayor Venis indicated that he was signing up for the random testing.

DEDICATION. Mayor Venis stated that he attended the dedication and congratulated Council on their efforts on this matter.

SILVER OAKS. Mayor Venis stated that he attended Family Day in Silver Oaks and the residents were pleased to be in the Town. He added that the residents were also pleased with the law enforcement efforts being made in the area.

GUEST SPEAKER. Mayor Venis stated that he had been a guest speaker at Mrs. Moesher's fifth grade class wherein he spoke on elections, campaigning and Council's responsibilities.

NEW PARK. Mayor Venis asked Mr. Rawls to research questions that the Shenandoah Homeowner's Association had regarding the new park and the shortfall in the funds for the lighting.

MAYOR. Mayor Venis announced that he would be running for the mayor's seat in March 1997.

ILLNESS. Mayor Venis announced that he would need to leave the meeting as he was not feeling well.

7. CONSENT AGENDA

Proclamations

- 7.1 National Physician Assistant Day - October 6, 1996
- 7.2 Fire Prevention Week - October 6-12, 1996
- 7.3 Domestic Violence Awareness Month, October 1996

Resolutions

- 7.4 **ISSUANCE OF TAX-EXEMPT BONDS - A RESOLUTION OF THE TOWN OF**
R-96-325 **DAVIE, FLORIDA INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF THE PURCHASE AND DEVELOPMENT OF LAND FOR THE FIRE DEPARTMENT ON NOB HILL ROAD TO BE USED FOR A FIRE STATION OR FOR OTHER MUNICIPAL PURPOSES AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF.**
- 7.5 **ISSUANCE OF TAX-EXEMPT BONDS - A RESOLUTION OF THE TOWN OF**
R-96-313 **DAVIE, FLORIDA INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF DEVELOPMENT OF PIONEER PARK AND THE HUCK LILES PROPERTY FOR USE AS AN ENTRYWAY FEATURE AND PARKING**

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LOT OR FOR OTHER MUNICIPAL PURPOSES AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF.

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- R-96-314 7.6 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 96-037 FROM \$4,500 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (Olmstead)
- R-96-315 7.7 **RECYCLING GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR THE NINTH YEAR RECYCLING GRANT FUNDS FROM BROWARD COUNTY. (\$19,095)
- R-96-316 7.8 **ARENA RENTAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RODEO ARENA LEASE AGREEMENT BETWEEN THE US TEAM PENNING ASSOCIATION AND THE TOWN OF DAVIE. (Jackpot Competition - April 12, 1997, July 12 - 13, 1997, September 6 - 7, 1997 and November 8, 1997; rental fee - \$500 per performance)
- R-96-317 7.9 **ARENA RENTAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RODEO ARENA LEASE AGREEMENT WITH INDOOR SPORTS. (Monster Truck Competition - October 18 - 20, 1996; rental fee - \$3,000)
- R-96-318 7.10 **ARENA RENTAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE/COOPER CITY CHAMBER OF COMMERCE AND THE TOWN OF DAVIE. (Sunshine Pro Rodeo - November 22 - 23, 1996; rental fee - requesting waiver)
- R-96-319 7.11 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH QUALITY ELECTRIC CONTRACTING, INC. TO SUPPLY AND INSTALL TWO (2) EMERGENCY GENERATORS. (Quality Electric Contracting, Inc. - \$79,835.56)
- R-96-320 7.12 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
THE BIDS FOR WASTEWATER SLUDGE HAULING. (Davis Water & Waste Industries and H & H, Inc.)
- R-96-321 7.13 **BID EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
EXTENDING THE BID FOR PRINTING THE TOWN OF DAVIE UPDATE. (Tiger Tale Publications, Inc.)

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**7.14 AWARD OF GRANT - A RESOLUTION OF THE TOWN OF
DAVIE,
R-96-322 FLORIDA, ACCEPTING THE THE GRANT AWARD FROM THE U.S.
DEPARTMENT OF JUSTICE UNDER THE "COMMUNITY POLICING TO
COMBAT DOMESTIC VIOLENCE" GRANT, ADMINISTERED BY THE
DEPARTMENT OF JUSTICES OFFICE OF COMMUNITY POLICING
SERVICES. (\$250,000)**

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Ordinance - First Reading (Public Hearing to be held November 6, 1996)

7.15 ESTABLISHING POLICY - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A POLICY REGARDING A LIMITATION ON THE NUMBER OF BOARDS UPON WHICH AN INDIVIDUAL MAY SERVE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Kiar asked that items 7.3, 7.14 and 7.15 be removed from the Consent Agenda. An unidentified man (Arthur Joseph) asked that items 7.7, 7.10, and 7.13 be removed. Mr. Joseph stated that item 7.7 regarded recycling and requested that the garbage bills reflect the \$1.80 per month that the Town was charging.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to approve the Consent Agenda without items 7.3, 7.10, 7.13, 7.14, and 7.15. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

7.3 Councilmember Kiar asked that the proclamation be read. Town Clerk Reinfeld read the proclamation in its entirety.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve item 7.3. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

7.10 Mr. Joseph questioned why the rental fee was being waived. Bonnie Stafiej, Special Projects Coordinator, indicated that the normal fee would be \$500 per day; however, the fee had been waived for the last 20 years. She added that the events were co-sponsored by the Town.

Councilmember Santini made a motion, seconded by Councilmember Bush, to approve item 7.10. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

7.13 Mr. Flatley advised that the cost to print the newsletter was the same as the previous year.

Councilmember Santini made a motion, seconded by Councilmember Bush, to approve item 7.13. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

7.14 Robert McDaniel, Assistant Chief of Police, advised that this grant would involve a partnership with Nova Southeastern University and specialized training would be provided to the police officers. He indicated that police supervisors would receive extensive training in counseling and a police service aide would be hired to help in the program's administration. Councilmember Kiar stated that he was pleased that the Town's Police Department was making efforts in this area.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve item 7.14. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

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7.15 Councilmember Kiar indicated that he opposed placing limitations on the number of boards an individual may serve on. Vice-Mayor Cox stated that she would be voting to approve this ordinance on first reading to allow public input on the second reading of the ordinance. She advised that she would not be in favor of the ordinance in its present form.

Al Tyler requested a public hearing would be held. Vice-Mayor Cox announced that the public hearing would be held on November 6, 1996.

Councilmember Bush made a motion, seconded by Councilmember Santini, to approve item 7.15. Town Clerk Reinfeld read the ordinance - first reading by title only. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 3-1)

8. SITE PLANS

8.1 SP 5-4-96, Vista Lakes West, west side of Shotgun Road at SW 14 Street and I-75 (E) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

Michele Mellgren, Director of Development Services, read the planning report. Julian Bryan, representing the petitioner, distributed copies and discussed the site plan.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

8.2 SP 6-2-96, Bellsouth Mobility Cell Site YZWS, east side of I-75 between Arvida Parkway and SW 36th Street (A-1) *Planning and Zoning Division approved; Site Plan Committee approved subject to the providing 7 gallon areca palms, 4 to 6 feet in height, planted 6 feet on center, clustering 5 sable palms at each corner, 20 to 30 feet overall height, with staggered heights, and eliminating the groundcover*

Ms. Mellgren read the planning report.

An unidentified man, representing the petitioner, advised that the site plan reflected the changes requested by the Site Plan Committee.

Councilmember Santini made a motion, seconded by Councilmember Bush, to approve. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

8.3 SP 7-8-96, Varsity Square Shopping Center, 3770 Davie Road (B-2, Western Theme) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and maintaining the hedge at 6 feet*

Ms. Mellgren read the planning report.

Frank Carreras, representing the petitioner, was present.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve to the planning report and the Site Plan Committee's recommendation. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

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8.4 SP 7-9-96, Bob Simon's Service Center, 6865 Nova Road (M-4, County) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and staff providing Town Council with a recommendation for a landscaping screen on the west side of the building for the bay door area

Ms. Mellgren read the planning report.

An unidentified man, representing the petitioner, was present.

Councilmember Bush made a motion, seconded by Councilmember Santini, to approve subject to the reports. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

9. PUBLIC HEARINGS

9.1 PETITIONER REQUESTING PLANNING AND ZONING BOARD TO TABLE ITEM TO OCTOBER 30, 1996; COUNCIL CAN TABLE TO NOVEMBER 6, 1996

VARIANCE - V 4-2-96, New Town Commerce Center, Ltd., 3801 - 4131 NW 47 Avenue (M-3) (tabled from September 4, 1996)

Ms. Mellgren advised that the petitioner was requesting that this item be tabled to the first meeting in January.

Ms. Mellgren added that staff was requesting that item 9.4 be tabled for two weeks.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to table this item to January 8, 1997. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

9.2 STAFF REQUESTING PLANNING AND ZONING BOARD TO TABLE ITEM TO OCTOBER 30, 1996; COUNCIL CAN TABLE TO NOVEMBER 6, 1996

VARIANCE - V 6-3-96, Weiss/Duncan, south side of State Road 84, between Hiatus Road and Nob Hill Road (A-1) (tabled from September 4, 1996)

Councilmember Santini made a motion, seconded by Councilmember Kiar, to table this item to November 6, 1996. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

9.3 WITHDRAWN BY APPLICANT

REZONING - ZB 4-1-96, Lester, 2400 SW 88 Avenue (from A-1 to CF) (tabled from September 4, 1996) Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report and voluntary deed restrictions

This item was withdrawn by the applicant.

9.4 VACATION/ABANDONMENT - VA 1-2-96A, G. L. Homes of Davie Corporation, 3001 Nob Hill Road (to vacate a recreational path easement within Parcel "A" of the Buckram Oak Farm Plat) (tabled from September 18, 1996) Planning and Zoning Division approved; Planning and Zoning Board approved

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Councilmember Kiar made a motion, seconded by Councilmember Bush, to table item 9.4 to October 16, 1996. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

9.5 **VARIANCE** - V 4-6-96, Jeff Falkanger & Associates, Inc./West Broward Professional Condominium Association, 7320 Griffin Road (B-2) (to reduce the required front setback from 25 feet to 19.34; to reduce the required landscape island width from 9 feet to 5 feet along the west property line; to reduce the required landscape buffer from 10 feet to 3 feet along the south property line; to reduce the required landscape buffer along SW 73 Avenue from 20 feet to 10.5 feet; to reduce the minimum separation from 5 feet to 4 feet along the west property line and from 5 feet to 3 feet along the south property line) (tabled from August 21, 1996) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Planning and Zoning Manager, offered the planning report into evidence and summarized the request.

Jeff Falkanger, representing the petitioner,

Vice-Mayor Cox asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Vice-Mayor Cox asked for Council's comments with none being provided.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

9.6 **SETTLEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-96-323 AUTHORIZING THE TOWN ATTORNEY TO ENTER INTO A SETTLEMENT STIPULATION RESOLVING THE LITIGATION PENDING IN BROWARD COUNTY CIRCUIT COURT UNDER CASE NO. 96-008963 CACE (14), CAPTIONED "WEITZER AT HARMONY LAKES, INC., A FLORIDA CORPORATION, PLAINTIFF VS. TOWN OF DAVIE, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, DEFENDANT; GRANTING PREVIOUSLY DENIED VARIANCES; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the resolution by title. Mr. Webber advised that Weitzer homes had previously requested a variance which was denied; however, some individual variances had subsequently been approved. He stated that an agreement was reached after discussions were held between the adjoining property owners and the developer. Mr. Webber explained that as a result of this agreement, the Town was being asked to enter into a stipulation whereby the Town would approve the previously denied.

An unidentified man, Dick Coker, indicated that a settlement agreement had been reached and a joint request was being made for Council to authorize the settlement. He explained that the agreement provided that the Weitzer development would have the same restrictions against the water bodies as the Ridgeview residents had in their homeowner's documents.

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Mitchell Chester indicated that he was happy with the settlement and the association was in agreement.

Vice-Mayor Cox asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

9.7 **VARIANCE** - V 7-2-96, Kitay/Weitzer, 1500 SW 106 Terrace (PRD 5) (to reduce the required peripheral setback from 25 feet to 0 feet along the eastern boundary of the lot) (tabled from September 18, 1996) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Due to the action taken on item 9.6, the item was withdrawn.

9.8 **LAND USE PLAN AMENDMENT** - LA BC 96-2, Rubin/Sunny Lakes, Inc., 5400 Griffin Road (from R-5 to RO and C) (tabled from September 18, 1996)

Mr. Webber advised that this petition had previously been heard by Council and the public hearing had been held. He indicated that Council had requested additional testing be performed and he recommended that the petitioner be heard.

Dick Coker, representing the petitioner, advised that the remaining issue was an update on the soil testing of adjacent property owners which had been accomplished on some of the properties with the results being submitted to the Town. He added that two meetings had been held with the homeowners and indicated that the homeowners were concerned with any type of development. Mr. Coker advised that the summary of the tests showed that there was no circumstance under which any development would have any impact on the adjacent property's soil condition. He stated that the petitioner would provide a declaration of restrictive covenants to run with the land that would detail the performance standards that had previously been discussed and to provide that there would be no industrial type uses, a limitation on truck traffic, etc.

Ms. Mellgren advised that staff had held a number of meetings with the residents to the west and south of the property and added that Mr. Rubin had also met with the residents. Vice-Mayor Cox asked Ms. Mellgren if she concurred with Mr. Coker's representations. Ms. Mellgren replied affirmatively and she liked the idea of the declaration of restrictions running with the land. She suggested that Council's motion include this recommendation.

Mr. Coker distributed an outline on the types of restrictive covenants that the petitioner thought was appropriate based upon the discussion with the residents; however, the list was not all inclusive. He added that one condition was to provide two rows of native shade trees with a solid hedge along the south side.

Councilmember Santini made a motion to approve item 9.8. Discussion followed on filling operations. Councilmember Santini amended her motion to include the voluntary deed restrictions as a minimum of what was proposed and to work with staff to encompass the problems/concerns of the residents.

Dan Wild, Keith and Schnars, advised that nothing was found in the additional borings taking on Mr. Orrico's property that would have changed the conclusion from the previous report on soil tests.

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Vice-Mayor Cox asked Mr. Webber if he thought there was a substantial reason to accept additional evidence. Mr. Webber replied that the only outstanding issue was of a technical nature and Council had asked for a report in the form of an expert opinion. He stated that the only evidence that appeared to be relevant was expert evidence.

Councilmember Kiar stated that he would like to see this item tabled to allow him time to read the report. Vice-Mayor Cox read that the former burrow pit would not have a detrimental impact on the proposed construction nor should the proposed construction induce additional settlement or structural damage that could already be reasonably expected. She said that she was comfortable that the issue had been addressed.

Councilmember Bush seconded the motion. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

Vice-Mayor Cox closed the public hearing portion of the meeting.

10. RESOLUTION

10.1 LAND USE PLAN AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO TRANSMIT A LAND USE PLAN AMENDMENT TO THE BROWARD COUNTY PLANNING COUNCIL WITH APPROPRIATE RECOMMENDATIONS; AND PROVIDING AN EFFECTIVE DATE. (tabled from September 18, 1996) (LA BC 96-2, Rubin/Sunny Lakes, Inc.) *Town Council transmitted resolution denying amendment (3-2, April 17, 1996)*

Town Clerk Reinfeld read the resolution by title to approve transmittal.

Councilmember Bush made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

11. APPOINTMENTS

11.1 Fire Pension Board (term expires December 1997; non-exclusive appointment)

Councilmember Santini distributed a resume from David Wisenberg and described his background. No other nominations were presented.

Councilmember Santini made a motion, seconded by Councilmember Bush, to approve Mr. Wisenberg's appointment. In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

11.2 Police Pension Board (term expires December 1997; non-exclusive appointment)

Councilmember Kiar nominated Sid Waldfogel with Councilmember Santini seconding the nomination. No other nominations were presented. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

11.3 Florida League Convention Voting Delegate (2) and Alternate

Councilmember Kiar nominated Councilmember Santini as a delegate. Councilmember Santini nominated Councilmember Bush as a delegate. Councilmember Kiar and Vice-Mayor Cox were nominated as the alternates. There were

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no objections.

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12. DISCUSSION AND POSSIBLE ACTION

12.1 Clarification of Terms for Parks and Recreation Board (1 and 2 year terms)

Councilmember Kiar indicated that he would defer his decision to the next Council meeting. Councilmember Santini indicated that John Cassaro would serve for two years and Jim Mester would serve for one year. Councilmember Bush advised that Les Heskeew would serve for two years and Corey Johnson would serve for one year. Vice-Mayor Cox indicated that she would also need to defer her decision to the next Council meeting.

12.2 Grant Program for Non-Profit Organizations Receiving Grants from the Town

Christopher Wallace, Director of Budget and Finance, stated that Council had requested that staff prepare a policy for making monetary grants, however, staff needed direction as to the type of policy. Councilmember Kiar said that Councilmember Santini had been asking the organizations what the Town received compared to what was given. Councilmember Santini stated that she wanted the organizations to be non-profit. Mr. Wallace stated that it had been suggested that the Budget Advisory Committee act as an intermediary between the organizations and Council.

Councilmember Santini asked if the Town had a certain amount of amount of money that distributed every year. Mr. Wallace responded that an \$50,000 to \$60,000 appropriation was made in the general funds budget and Council had the ability to use income derived from the corpus of the endowment funds trust to make a one time funding.

Vice-Mayor Cox stated that her orientation was to assemble all the requests and then divide up the money. Mr. Wallace indicated that a deadline should be given for the approval process. Councilmember Santini stated that she liked the idea of utilizing the Budget Advisory Committee as a "sounding board".

Vice-Mayor Cox indicated that one parameter that she would like the books and records of the receiving organization would be public record and the Town would unrestricted access to the records. Mr. Wallace stated that with this type of parameter, the Town would be spending \$5,000 in staff time to audit a \$30,000 expenditure. Councilmember Santini suggested that a questionnaire be compiled to see how the Town's residents were served.

Councilmember Kiar agreed with the suggestions that the organizations had to be non-profit and what the Town's residents received. Mr. Wallace stated that staff would be waiting to hear from Council and hopefully, a reasoned approach to this matter would be given to Council within its next two meetings.

12.3 Mayor Fekete's Proposal to Annex Western Areas

Mr. Flatley stated that it was his recommendation to provide information on the Town's lifestyle to the residents in the unincorporated areas. Councilmember Kiar stated that several years ago, the residents of Southwest Ranches and Sunshine Ranches had expressed an interest in being annexed to the Town if their lifestyle could be preserved. He added that the unincorporated residents wanted the right to select the community to be annexed into and not be forced into an area. Councilmember Kiar believed that a Town had the more compatible lifestyle for the western areas and a dialogue should be scheduled with these residents.

Vice-Mayor Cox indicated that the resident's main concern was with taxes and lifestyle. She discussed the possibility of independent boards and the extension of the equestrian area. Vice-Mayor Cox stated that she did not like the idea of anything being

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forced upon these residents.

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Councilmember Santini stated that the Town was the closest alley as the Town wanted to protect lands and open space. She added that the resident's needs and wants could be protected in the annexation agreement.

Mr. Flatley advised that these annexations be voluntary as the Town did not want to force someone to make a decision against their will. He hoped that these annexations would be the subject of a legislative bill sometime in the spring.

Councilmember Kiar indicated that he thought Council concurred that the annexations should be voluntary.

Mr. Flatley stated that one offer that Pembroke Pines was making to the Sunshine Ranches' residents was a board to oversee any changes in their community's lifestyle which would take an extraordinary vote from Pines' commission to overturn. He suggested that this idea be placed in the Charter to allow this type of group to exist. Councilmember Kiar indicated that he did not have a problem with this type of board and stated that the residents needed this assurance.

Mr. Flatley stated that he would contact the homeowner's association in the south and west areas to schedule informational meetings.

Dr. Irving Rosenbaum advised that Broward County had a rural ranches zoning and suggested that this type of zoning be incorporated into the Town's land use category. Ms. Mellgren indicated that this was currently being worked on. Dr. Rosenbaum added that he thought the western areas would fit nicely into the Town.

Mr. Webber advised that the Town had been taking some action against Broadway Joe's for Code violations and there currently was an action pending in circuit court seeking enforcement of the Town's liens. He stated that there was an issue as to whether the vendor would be entitled to a peddler's license. Mr. Webber indicated that Mayor Venis had contacted him that should the company remain defiant to the Town's ordinances, that he move forward by filing an action of injunctive relief seeking an order from the court to prohibit Broadway Joe's from operating their vehicles. He asked Council for its support and the authority to file the litigation should it become necessary.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to authorize Mr. Webber to proceed and institute litigation. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

13. TOWN ADMINISTRATOR'S REPORT

Mr. Flatley did not provide a report.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:21 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk